

910501MD

ORIGINAL

MAY 2 3 01 PM '91

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

RECEIVED

AUDIO SERVICES

In re Application of

JUPITER BROADCASTING CORP.

For a Construction Permit for
a new FM station in Jupiter,
Florida

MAY 1 1991

File No. ~~91-10501~~ FCC MAIL BRANCH

RECEIVED

To: Chief, FM Branch

MAY 2 1991

PETITION FOR LEAVE TO AMEND

FM EXAMINERS

Jupiter Broadcasting Corp. ("JBC") requests leave to amend its application to reflect the following changes:

- (a) Paul A. Levine has acquired 4 shares of JBC's voting common stock and has become JBC's secretary and treasurer;
- (b) William Washington has acquired one (1) share of JBC's voting common stock;
- (c) Charles Reid has agreed that, in the event he fails to construct JBC's proposed FM station within 18 months from the grant of a construction permit, he will exchange his voting stock in JBC for non-voting stock; and
- (d) During the forty five day period commencing one year after JBC's proposed FM station begins operations, the other voting shareholders of JBC have the option to purchase Charles Reid's stock for its fair market value.

JBC submits that good cause exists for acceptance of the attached amendment. The changes reported occurred within the last 30 days and are subject to the reporting requirements of Rule 1.65. They reflect the present status of JBC's corporate ownership. These changes reduce the credit JBC can claim for integration of ownership into management and cannot, therefore, prejudice any party by their acceptance. Accordingly, JBC request acceptance of

the attached amendment.

Respectfully submitted

A handwritten signature in dark ink, appearing to read "Joseph A. Belisle", written over a horizontal line.

Joseph A. Belisle
Counsel for
Jupiter Broadcasting Corporation

April 30, 1991

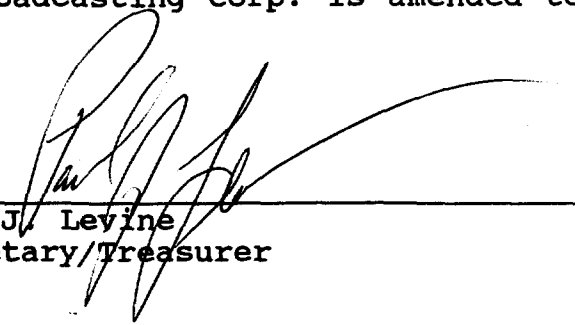
Leibowitz & Spencer
Amerifirst Building
One S.E. Third Avenue
Suite 1450
Miami, Florida 33131

(305) 530-1322

RECEIVED

MAY 2 3 01 PM '91 MAY 1 1991
AMENDMENT
AUDIO SERVICES
DIVISION FCC MAIL BRANCH

The Application of Jupiter Broadcasting Corp. is amended to
include the attached data.



Paul J. Levine
Secretary/Treasurer

**APPLICATION FOR CONSTRUCTION PERMIT FOR
COMMERCIAL BROADCAST STATION**
(carefully read instructions before filing form)
Return only form to FCC

For Commission Use Only

File No.

MAY 2 3 01 PM '91

AUDIO SERVICES
RECEIVED

Section I—GENERAL INFORMATION

1. Name of Applicant

Jupiter Broadcasting Corp.

Street Address or P.O. Box

4761 Paulie Court

MAY 1 1991

City

State

ZIP Code

Telephone No. (Include Area Code)

West Palm Beach

FL

33415

FCC MAIL BRANCH
407, 964-2019

Send notices and communications to the following named person at the address below:

Name

Street Address or P.O. Box

Charles E. Reid*

same as above

City

State

ZIP Code

Telephone No. (Include Area Code)

()

2. This application is for:

☐

AM

☒

FM

☐

TV

(a) Channel No. or Frequency:

(b) Principal Community:

City

State

258A

Jupiter

FL

(c) Check one of the following boxes:

☐

Application for NEW station

☐

MAJOR change in licensed facilities; call sign:

☐

MINOR change in licensed facilities; call sign:

☐

MAJOR modification of construction permit; call sign:

File No. of Construction Permit:

☐

MINOR modification of construction permit; call sign:

File No. of Construction Permit:

☒

AMENDMENT to pending application; Application file number: BPH-890103MD

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Section I and those other portions of the form that contain the amended information.

3. Is this application mutually exclusive with a renewal application?

☒

Yes

☐

No

If Yes, state:

Call letters:

Community of License:

City

State

WTRU

Jupiter

FL

* with a copy to: Joseph Belisle, Esquire, #1450
1 SE 3rd Ave., Miami, FL 33131

Section II—

LEGAL QUALIFICATIONS

Name of Applicant

Jupiter Broadcasting Corp.

MAY 2 3 01 PM '91

AUDIO SERVICES
RECEIVED

MAY 1 1991

Exhibit No.

N/A

FCC MAIL BRANCH

1. Applicant is: (check one block below)

☐ Individual☐ General partnership☒ For-profit corporation☐ Other☐ Limited partnership☐ Not-for-profit corporation

2. If the applicant is an unincorporated association or a legal entity other than an individual, partnership, or corporation, describe in an Exhibit the nature of the application.

NOTE: The terms "applicant" and "parties to this application" are defined in the Instructions for Section II of this form. Complete information as to each "party to this application" is required. If the applicant considers that to furnish complete information would pose an unreasonable burden, it may request that the Commission waive the strict terms of this requirement with appropriate justification.

3. Complete, if applicable, the following certifications:

- (a) Applicant certifies that no limited partner will be involved in any material respect in the management or operation of the proposed station.

☐ Yes ☒ No
N/A

If No, applicant must complete Question 4 below with respect to all limited partners actively involved in the media activities of the partnership.

- (b) Does any investment company (as defined by 15 U.S.C. Section 80 a-3), insurance company, or trust department of any bank have an aggregated holding of greater than 5% but less than 10% of the outstanding votes of the applicant?

☐ Yes ☒ No

If Yes, applicant certifies that the entity holding such interest exercises no influence or control over the applicant, directly or indirectly, and has no representatives among the officers and directors of the applicant.

☐ Yes ☒ No
N/A

4. List the applicant and, if other than a natural person, its officers, directors, stockholders and partners with attributable interests. Use one column for each individual or entity. Attach additional pages if necessary.

(Read carefully—The numbered items below refer to line numbers in the following table.)

1. Name and residence of the applicant and, if applicable, its officers, directors, stockholders, or partners (if other than individual also show name, address and citizenship of natural person authorized to vote the stock). List the applicant first, officers next, then directors and, thereafter, remaining stockholders and partners.
2. Citizenship.
3. Office or directorship held.
4. Number of shares or nature of partnership interests.
5. Number of votes.
6. Percentage of votes.
7. Other existing attributable media interests subject to the multiple ownership restrictions of Sections 73.3555 and 76.501 of the Commission's Rules, including the nature and size of such interests.
8. All other ownership interests of 5% or more, whether or not attributable, as well as any corporate officership or directorship in broadcast, cable, or newspaper entities in the same market or with overlapping signals in the same broadcast service, as described in Sections 73.3555 and 76.501 of the Commission's Rules, including the nature and size of such interests and the positions held.

1.	Charles E. Reid 4761 Paulie Court West Palm Beach, FL	Paul J. Levine 1461 Tagus Avenue Gables by the Sea, FL	William Washington 3900 Shelley Road South West Palm Beach, FL
2.	USA	USA	USA
3.	President,	Secretary/Treasurer	N/A
4.	15 Shares (VS)	4 Shares (VS) 16 Shares (NVS)	1 Share (VS) 4 Shares (NVS)
5.	15 Votes	4 Votes	1 Vote
6.	75 %	20 %	5 %
7.	See Exhibit 1	See Exhibit 1	See Exhibit 1
8.	See Exhibit 1	See Exhibit 1	See Exhibit 1

5. Does the applicant or any party to this application have, or have they had, any interest in:

(a) a broadcast application pending before the Commission?

☐ Yes ☒ No

(b) a broadcast application which has been dismissed with prejudice by the Commission?

☒ Yes ☐ No

(c) a broadcast application which has been denied by the Commission?

☐ Yes ☒ No

(d) a broadcast station, the license of which has been revoked?

☐ Yes ☒ No

(e) a broadcast application in any pending or concluded Commission proceeding which left unresolved character issues against the applicant?

☐ Yes ☒ No

Exhibit No.

1

If the answer to any of the questions in (a) - (e) above is Yes, state in an Exhibit the following information:

- (1) Name of party having interest;
- (2) Nature of interest or connection, giving dates;
- (3) Call letters of stations or file number of application or docket; and
- (4) Location.

6. (a) Are any of the parties to this application related (as husband, wife, father, mother, brother, sister, son or daughter) either to each other or to individuals holding nonattributable interests of 5% or more in the applicant?

☐ Yes ☒ No

(b) Does any member of the immediate family (i.e., husband, wife, father, mother, brother, sister, son or daughter) of any party to this application have any interest in or connection with any other broadcast station, pending broadcast application, newspaper in the same area (see Section 73.3555(c)) or, in the case of a television station applicant only, a cable television system in the same area (see Section 76.501(a))?

☐ Yes ☒ No

If the answer to (a) or (b) above is Yes, attach an Exhibit giving a full disclosure concerning the persons involved, their relationship, the nature and extent of such interest or connection, the file number of such application, and the location of such station or proposed station.

Exhibit No.

N/A

Exhibit No.

1

7. State in an Exhibit, any interest the applicant or any party to this application proposes to divest in the event of a grant of this application.

OTHER MASS MEDIA INTERESTS

8. (a) Do individuals or entities holding nonattributable interests of 5% or more in the applicant have an attributable ownership interest or corporate officership or directorship in a broadcast station, newspaper or CATV system in the same area? (See Instruction B to Section II.)

☐ Yes ☒ No

(b) Does any member of the immediate family (i.e., husband, wife, father, mother, brother, sister, son or daughter) of an individual holding a nonattributable interest of 5% or more in the applicant have any interest in or connection with any other broadcast station, pending broadcast application, newspaper in the same area (see Section 73.3555 (c)) or, in the case of a television station applicant only, a cable television system in the same area (see Section 76.501(a))?

☐ Yes ☒ No

If the answer to (a) and/or (b) above is Yes, attach an Exhibit giving a full disclosure concerning the persons involved, their relationship, the nature and extent of such interest or connection, the file number of such application, and the location of such station or proposed station.

Exhibit No.

N/A

CITIZENSHIP AND OTHER STATUTORY REQUIREMENTS

9. (a) Is the applicant in violation of the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments? (See Instruction C to Section II.)

☐ Yes ☒ No

(b) Will any funds, credits or other financial assistance for the construction, purchase or operation of the station(s) be provided by aliens, foreign entities, domestic entities controlled by aliens, or their agents?

☐ Yes ☒ No
Exhibit No.

N/A

If the answer to (b) above is Yes, attach an Exhibit giving full disclosure concerning this assistance.

10. (a) Has an adverse finding been made or an adverse final action taken by any court or administrative body as to the applicant or any party to this application in a civil or criminal proceeding brought under the provisions of any law related to the following:

Any felony; broadcast related antitrust or unfair competition; criminal fraud or fraud before another governmental unit; or discrimination?

☐ Yes ☒ No

(b) Is there now pending in any court or administrative body any proceeding involving any of the matters referred to in (a) above?

☐ Yes ☒ No

If the answer to (a) and/or (b) above is Yes, attach an Exhibit giving full disclosure concerning persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), a statement of the facts upon which the proceeding is or was based or the nature of the offense alleged or committed, and a description of the current status or disposition of the matter.

Exhibit No.

N/A

RECEIVED

MAY 1 1991

EXHIBIT NO. 1

FCC MAIL BRANCH

Charles E. Reid is an employee of Adelphia Cable Communications in Riviera Beach, Florida. He has ceased his employment at Station WEXL, West Palm Beach, Florida. In the event Jupiter Broadcasting Corp.'s application is granted, Mr. Reid will sever all connections with Adelphia Cable Communications prior to commencement of program tests over Jupiter Broadcasting Corp.'s station.

Paul J. Levine has no interest in any medium of mass communication, apart from his activity as an author of mystery novels. Mr. Levine was a limited partner in Nittany Valley Broadcasters, Ltd., an applicant for a new FM station on Channel 225A, Boalsburg, Pennsylvania. Nittany Valley's application was dismissed in connection with a settlement of the Boalsburg, Pennsylvania FM proceeding.

Mr. William Washington has no interest in any medium of mass communications.

Charles Reid has agreed that, in the event he fails to construct JBC's proposed FM station within 18 months from the grant of a construction permit, he will exchange his voting stock in JBC for non-voting stock.

During the forty five day period commencing one year after JBC's proposed FM station begins operations, the other shareholders of JBC have the option to purchase Charles Reid's stock for its fair market value.

RECEIVED

MAY 1 1991

CERTIFICATE OF SERVICE

FCC MAIL BRANCH

I, Tania M. Rehman, hereby certify that the attached Petition For Leave To Amend submitted on behalf of Jupiter Broadcasting Corporation was sent this 30th day of April, 1991, to the following person by U.S. Mail, First Class Postage Prepaid:

Robert B. Taylor
500 N. Delaware Boulevard
P. O. Box 848
Jupiter, Florida 33458

Tania M. Rehman
Tania M. Rehman